IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3816 OF 2000
IN
CRIMINAL APPEAL NO. 717 OF 2000

The State of Maharashtra. .. Applicant

Vs

Salim Goharalli Khan & Ors. .. Respondents

Ms. P.H. Kantharia, APP, for the applicant.

Mr. Abhinandan Vagyani for respondent No.3.

Respondent Nos.4 and 6 not served.

Rest of the respondents and their Advocates, absent, though served.

CORAM: S.B. MHASE &
ANOOP V. MOHTA, JJ.

DATED: 09TH DECEMBER, 2004

P.C.:

1. Heard.

2. It is brought to our notice that respondents Nos.4 and 6 are not served. However, the rest of the accused - respondents are served. Mr. Vagyani, learned counsel appears for respondent No.3. Rest of the Advocates are absent. Ms. Kantharia, learned PP, appears for the State.

3. This is an application for condonation of delay of 76 days in filing the Appeal against acquittal. We find that the delay has been properly explained by the State in paragraph 3 of the application. Though there is a right in favour of respondent Nos.4 and 6 to contest the said application, what we find is that the respondent Nos.1, 2, 3, 5 and 7 are not contesting the said application.

4. Under these circumstances, we feel that it will be inappropriate to keep this application pending till the service is effected on respondent Nos.4 and 6. We condone the delay, subject to the right of the respondent Nos.4 and 6 if they take objection at a later stage.

5. The Criminal Application is disposed of accordingly.

6. Office is directed to list this matter after Christmas Vacation.

[ANOOP V. MOHTA, J.] **[S.B. MHASE, J.]**

[srpasha@hc]